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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 JERRY LITTLE, JR.,

10 Plaintiff,

11 v.

12 NANCY A. BERRYHILL, Acting  
Commissioner of Social Security,

13 Defendant.

Case No. C17-5474-RBL-JPD

REPORT AND RECOMMENDATION

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15 This matter comes before the Court upon the Commissioner's unopposed motion to  
16 remand this case for further administrative proceedings pursuant to sentence six of the Social  
17 Security Act, 42 U.S.C. § 405(g). Dkt. 19.<sup>1</sup> In sentence-six remands, the court retains  
18 jurisdiction over the action pending further administrative development of the record. *Shalala v.*  
19 *Schaefer*, 509 U.S. 292, 299 (1993). Here, although the ALJ cited to evidence within the  
20 administrative record ("AR") to support his decision, the AR contained personally identifiable  
21 information of another person's records mixed into plaintiff's records, which the ALJ used to  
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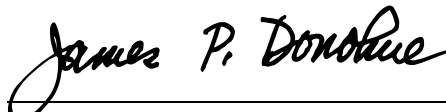
23 <sup>1</sup> Sentence six of 42 U.S.C. § 405(g) provides that "the court may, on motion of the  
24 Commissioner made for good cause shown before he files his answer, remand the case to the  
Commissioner for further action by the Commissioner of Social Security. . . ."

1 support his decision. Dkt. 13 at 2. It is therefore unclear if the records cited by the ALJ related  
2 to plaintiff, or to another person. *Id.* As a result, the Commissioner asks the Court to remand the  
3 case under sentence six of 42 U.S.C. § 405(g) for the ALJ to conduct a de novo hearing. *Id.* at 2.  
4 On November 7, 2017, plaintiff indicated that he has no objection, and that he consents to the  
5 Commissioner's motion for a sentence six remand. Dkt. 14.

6 Accordingly, the Court recommends that the Commissioner's unopposed motion for a  
7 sentence six remand, Dkt. 13, be GRANTED. This case should be REVERSED and  
8 REMANDED pursuant to sentence six of 42 U.S.C. § 405(g) for a de novo hearing. If the  
9 outcome of the de novo hearing is unfavorable to plaintiff, he may seek judicial review by  
10 reinstating this case rather than by filing a new complaint. If the outcome is favorable to  
11 plaintiff, the parties shall move the Court for entry of judgment.

12 Because the parties have agreed that the case be remanded as set forth above, the Court  
13 recommends that United States District Judge Ronald B. Leighton immediately approve this  
14 Report and Recommendation. The Clerk should note the matter for **November 14, 2017** as  
15 ready for Judge Leighton's consideration. A proposed order accompanies this Report and  
16 Recommendation.

17 DATED this 14th day of November, 2017.

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19 JAMES P. DONOHUE  
20 Chief United States Magistrate Judge